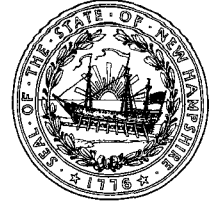




The State of New Hampshire  
*Department of Environmental Services*



Michael P. Nolin  
Commissioner

May 12, 2006

**LETTER OF DEFICIENCY #WSEB 06-046**  
Certified Mail #7099 3400 0003 6156 4579

Wayne Anderson  
Pathfinder Academy LLC  
6 Pine Crest Circle  
Concord, NH 03301

Subject: Epsom - Public Water System: Pathfinder Academy, LLC (EPA #0775010)

Dear Mr. Anderson:

The records of the NH Department of Environmental Services (DES) show that Pathfinder Academy, LLC is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more services, or 25 or more people for 60 or more days per year. As such, the water system owner is required to submit samples according to the system's established Master Sampling Schedule to the State laboratory or a State-certified laboratory in compliance with NH Administrative Rules Env-Ws 321 through 330.

The enforceable maximum contaminant level (MCL) for Arsenic is 0.010 mg/L. For systems on quarterly monitoring, compliance with the MCL is determined by the running annual average (RAA). The RAA is defined as the average of sample results collected over the last 12 month period. DES has determined the most recent RAA for Source 001, "BRW 1 / 20' SE of House," to be 0.011 mg/L. As such, Pathfinder Academy, LLC has exceeded the Arsenic MCL and a violation of Env-Ws 314.01 has occurred.

DES believes the Arsenic MCL violation(s) can be corrected and future violations prevented by taking the following actions:

1. **By June 12, 2006**, retain the services of a qualified consultant to address the water quality violation(s) and notify DES, in writing, of the name of the consultant hired. The consultant should review all existing water quality data and all feasible options prior to making recommendations to the owner for correcting the MCL violation(s). Guidance on options to correct the MCL violation and the recommended contents of a consultant's report are enclosed; and
2. **By August 12, 2006**, submit to DES the consultant's report, which shall contain the consultant's evaluation of feasible options, cost estimates, identification and justification of which option the owner has selected to implement, along with a timeline and final correction date to resolve the MCL violation(s). A maintenance schedule must be

included if treatment is proposed. DES will approve the consultant's report, in writing, and specify the next submission deadline. A consultant's report determined to lack comprehensiveness will not be approved; and

3. **By the submission date established by DES** in the above-mentioned approval letter, submit to DES all engineering/technical documents for the design of the selected option. DES must review and approve, in writing, any engineering/technical documents prior to the commencement of any work on the system. Note that engineering plans for systems serving more than 50 service connections or 20,000 gpd must be stamped by a professional engineer; and
4. **By the DES-approved correction date**, take the corrective action as approved by DES. Notify DES in writing upon completion of the action(s) taken; and
5. Continue to sample in accordance with your Master Sampling Schedule (copy enclosed), which includes quarterly sampling for Arsenic; and
6. Continue providing public notice **each calendar quarter** for as long as the violation occurs.

In the event compliance is not achieved within this period, DES may initiate formal action against you, including issuing an order requiring the deficiencies to be corrected, initiating an administrative fine proceeding, and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

**All information as requested above should be addressed as follows  
or faxed to (603) 271-5171:**

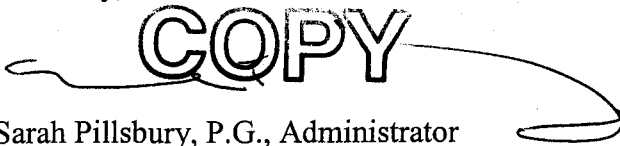
Emily M.S. Jones  
Department of Environmental Services  
Water Supply Engineering Bureau  
29 Hazen Drive, PO Box 95  
Concord, NH 03302-0095

Further review of your system's water quality indicates that your system has also had a history of Iron and Manganese detections above the secondary maximum contaminant levels (SMCL) established for these compounds. These are aesthetically based standards; as such compliance with the SMCL is required should consumer complaints arise.

For your information, fact sheets on Arsenic, Iron and Manganese are available at: <http://www.des.state.nh.us/ws.htm>. These include general information, health effects, and removal options. Also enclosed is a summary of the expected content of consultant report submittals for your review. Please be reminded that proposed treatment alternatives should take into consideration all water quality parameters as well as current and future quantity needs.

In addition to your operator, assistance may be available to you through a variety of sources. DES staff member Cindy Klevens, P.E., may be able to answer questions concerning treatment for the aforementioned contaminant(s). She may be reached at (603) 271-3108 or via email at [cklevens@des.state.nh.us](mailto:cklevens@des.state.nh.us). Also, financial, managerial and technical assistance is available through either of two government funded technical assistance providers. These are Granite State Rural Water Association ((603) 753-4055) and RCAP Solutions, Inc. (1-800-488-1969). Health related questions may be directed to Dave Gordon of the DES Bureau of Environmental and Occupational Health whose number is (603) 271-4608. If you have any questions regarding this letter, please contact Emily Jones at (603) 271-0659 or by email at [ejones@des.state.nh.us](mailto:ejones@des.state.nh.us).

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'COPY', is written over the name and title of the sender. The signature is written in a cursive, looped style.

Sarah Pillsbury, P.G., Administrator  
Water Supply Engineering Bureau

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Encl    Master Sampling Schedule  
         Report submittal information sheets

cc w/ encl(s): Christian Kofer, Primary Operator

cc:        Gretchen R. Hamel, DES Legal Unit Administrator  
         Cecil W. Curran, Epsom Health Officer  
         ✓EPA, Region 1

ec:        Cindy Klevens, P.E., DES  
         Dave Gordon, DES BEOH  
         Jack Shields, GSRWA  
         Robert Morancy, RCAP Solutions, Inc.